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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,315	11/14/2003	Kurt M. Sanger	82648ANAB	2748

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EXAMINER

NGUYEN, LAM S

ART UNIT	PAPER NUMBER
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2853

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,315	Applicant(s) SANGER, KURT M.	
	Examiner LAM S. NGUYEN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 5-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 6, 8, 10, and 16 are objected to because of the following informalities: The claims are identical. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admission as prior art in view of Schuppan (US 20030076515) and Barry et al. (US 5309246).

The applicant's admission as prior art illustrated in FIG. 1 teaches a method for printing a halftone digital image on both a printing press (*element 80*) and a color proofer (*element 65*) comprising:

- making a printing plate from a binary digital data (*element 75*);
 - making a press sheet (*element 85*) using said printing press (*element 80*) with said printing plate (*elements 80, 85*),
 - transmitting a binary digital data to said color proofer (*element 60*); and
 - printing a halftone color proof on said color proofer (*element 65*).
- The applicant's admission as prior art, however, does not teach using the same binary

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digital data for printing press and color proofing. (*Note that as shown in FIG. 1, two RIPs (30 and 40) each individually provides a binary digital data to each printing press and color proofer*).

Schuppan teaches a screened printing apparatus for digitizing the plate-making process and preparing proof sheets, in which the same binary digital data (*FIG. 1A: Output of element 503*) is from a RIP (*FIG. 1A, element 502*), screened (*FIG. 1A, element 503*), and used for printing press (*FIG. 1A, element 505*) and color proofing (*FIG. 1, element 104*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the prior art method admitted by the applicant to process the digital data by the same unit of RIP to provide the same binary digital data for printing press and printing proof as suggested by Schuppan. The motivation for doing so would have been to possibly create true-to-color proofs from digital printing data which are already in the screened form suitable for the subsequent printing as taught by Schuppan (*paragraph [0045]*).

- Furthermore, the applicant's admission as prior art also teaches generating binary digital data that defines a halftone image, the binary digital data representing presence or absence of micropixels in the forming of halftone dots and wherein the dot-gain for providing binary digital data corresponding to increasing sizes of halftone dots by adding respective micropixels thereto to maintain halftone dot fidelity (*Specification, page 2, lines 1-10*). The applicant's admission as prior art however does not teach sending said binary digital data to a dot-gain processor for conditioning said binary digital data to introduce a predetermined level of dot-gain and then transmitting said conditioned binary digital data to said color proofer.

Barry et al. discloses a technique for use in a direct digital color proofing system in which a binary image data (*FIG. 2, element 205: IMGAE DATA*) is sent to a dot-gain processor (*FIG. 2, element 220*) for conditioning the binary image data with DOT GAIN elements (232, 234, 236, 238) to introduce a predetermined level of dot-gain before transmitted to a color proofer (*FIG. 5A-B, element 500: DIRECT DIGITAL COLOR PROOFING (DDCP) SYSTEM*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the prior method admitted by the applicant to condition the binary data with a dot gain processor as disclosed by Barry et al. The motivation for doing so would have been to be able to set parameters of the proofing engine so as to produce the corresponding writing spot with a proper level of darkness and hence vary the solid area density of each component halftone dot as taught by Barry et al. (*column 8, lines 38-45*).

Allowable Subject Matter

Claims 5-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding to claims 5, 11: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that wherein a raster image processor provides dot-gain in generating of said conditioned binary digital data, the dot-gain provided by said raster image processor being conditioned for use by the color proofer, and operating on said conditioned binary digital data to unbuild the dot-gain provided by said raster image processor and build in dot-gain correction to form binary digital

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data that is conditioned for use in forming of a printed sheet by said printing press is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Regarding to claims 7, 13: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that wherein a raster image processor provides dot-gain in generating of said conditioned binary digital data, the dot-gain provided by said raster image processor being conditioned for use in forming of a printed sheet by said printing press; and operating on said conditioned binary digital data to unbuild the dot- gain provided by said raster image processor and build in dot-gain correction to form the binary digital data that is conditioned for use in forming of a color proof by said color proofer is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Regarding to claims 9, 15: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that wherein a raster image processor provides dot-gain in generating of said conditioned binary digital data; and operating on said conditioned binary digital data to unbuild the dot-gain provided by said raster image processor and build in dot-gain correction to form binary digital data that is conditioned for use in forming of a color proof by said color proofer; and operating on said conditioned binary digital data to unbuild the dot-gain provided by said raster image processor and build in a dot-gain that is conditioned for use in forming of a printed sheet by said printing press is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Claims 6, 8, 10, 12, 14, 16, and 17 are allowed because they depend directly/indirectly on claim 11 or 13.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. The new ground rejection has been made based the same cited prior art with new citations and explanations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LAM S NGUYEN/
Primary Examiner, Art Unit 2853